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Attorneys for Defendants
 REALNETWORKS, INC. AND
 LISTEN.COM

UNITED STATES DISTRICT COURT

IN AND FOR THE NORTHERN DISTRICT OF CALIFORNIA

FRISKIT, INC.,

Plaintiff,

v.

REALNETWORKS, INC., et al.,

Defendants.

Civil Action No. CV 03-5085-WWS

**STIPULATION AND ~~[PROPOSED]~~
 ORDER REGARDING PRE-TRIAL AND
 TRIAL SCHEDULE**

Judge: Honorable William W. Schwarzer

1 WHEREAS, on December 15, 2005, the Court entered an order regarding Defendants'
2 Motion to Continue PreTrial and Trial Schedule and for Sanctions and set the following
3 schedule: Completion of additional depositions on February 16, 2006, File supplemental
4 opening expert reports on February 28, 2006, File rebuttal to supplemental expert reports on
5 March 17, 2006, close of expert discovery on April 3, 2006, Last day to file dispositive motions
6 on April 10, 2006, File responses to dispositive motions on April 24, 2006, File reply to
7 dispositive motions on May 1, 2006, Pretrial conference on June 26, 2006 and Trial on July 17,
8 2006;

9 WHEREAS, third-party witness, Ms. Gila Sand, was unavailable for deposition before
10 February 16, 2006 for medical reasons;

11 WHEREAS, the parties conducted a telephonic hearing before Magistrate Judge James on
12 February 10, 2006 regarding deposition scheduling and other discovery related matters. In the
13 conference, the parties agreed that the deadline for completion of the additional deposition of Ms.
14 Sand should be extended to February 24, 2006, the deadline for submission of supplemental
15 opening expert reports should be extended to March 3, 2006, and the deadline for submission of
16 supplemental rebuttal expert reports should be extended to March 20, 2006. The same day,
17 Magistrate Judge James entered an order finding "good cause" exists to continue the deposition
18 and expert report supplementation cut-offs to accommodate the delay in Ms. Sand's deposition;

19 WHEREAS, on March 3, 2006, the Court entered an order amending the case schedule
20 such that the deadline for submission of supplemental opening expert reports was extended to
21 March 3, 2006, the deadline for submission of rebuttal expert reports was extended to March 20,
22 2006, and Real would be granted leave to take Ms. Sand's deposition after the February 16, 2006
23 deadline;

24 WHEREAS, the parties agreed to provide the Court with a status update as to the timing
25 and scheduling of Ms. Sand's deposition and any additional supplementation of expert reports;

26 WHEREAS, Gila Sand informed Plaintiff's counsel (who is representing Ms. Sand in
27 connection with her deposition in this case) that she has to undergo a medical examination on or
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1 about March 24, 2006 and would not be in a position to reschedule her deposition until after that
2 medical examination;

3 WHEREAS, the parties have been attempting to accommodate Ms. Sand's need to
4 reschedule this deposition. The parties have also sought to work together to resolve this issue so
5 as to not prejudice Real's ability to use Ms. Sand's testimony in its supplementation of its opening
6 expert report as the Court has permitted Real to do;

7 WHEREAS, the parties are in the process of working with a neutral expert regarding
8 Real's production of source code and that process is expected to take further time to complete;

9 WHEREAS, after the source code production is complete, Plaintiff seeks the opportunity
10 to supplement its opening expert reports and Defendants seek the opportunity to respond to
11 Plaintiff's supplementation;

12 WHEREAS, one of Real's experts, Dr. Julius Smith is the key note speaker at a
13 conference outside of the country and is unavailable to attend trial September 18-20, 2006.
14 While Real agrees to the August 28, 2006 trial date set forth below, Real prefers a September 25,
15 2006 trial date to make certain that Dr. Smith will be able to attend trial. Plaintiff, however,
16 agrees that to the extent that the Court adopts the August 28, 2006 trial date and Dr. Smith's prior
17 commitment presents a conflict with the trial in this matter, that the trial schedule shall be
18 adjusted to resolve this conflict;

19 WHEREAS, the parties have met and conferred to revise the current pre-trial and trial
20 schedule in a manner that accommodates Ms. Sand's need for additional time before rescheduling
21 her deposition, completion of the source code production process with the neutral expert, and the
22 resolution of other outstanding matters prior to supplementation of expert reports and depositions
23 take place;

24 NOW THEREFORE IT IS HEREBY STIPULATED, by and between Plaintiff and
25 Defendants, through their respective counsel of record, the Pre-Trial and Trial schedule be
26 amended as follows:
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1 1. The deadline for completion of additional depositions is extended to April 14,
2 2006;

3 2. The deadline for submission of supplemental opening expert reports is extended
4 to April 28, 2006.

5 3. The deadline for submission of supplemental rebuttal expert reports is extended to
6 May 18, 2006;

7 4. The deadline for close of expert discovery is extended to June 2, 2006;

8 5. The deadline for the last day to file dispositive motions is extended to June 9,
9 2006;

10 6. The deadline to file responses to dispositive motions is extended to June 23, 2006;

11 7. The deadline to file replies to dispositive motions is extended to June 30, 2006;

12 8. The pre-trial conference is August 7, 2006;

13 9. Trial is set for August 28, 2006.

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16 /s/ Jeffrey A. Pine

16 /s/ Evette D. Pennypacker

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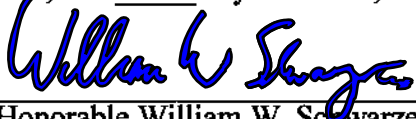
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Attorneys for Defendants

1 PURSUANT TO STIPULATION, IT IS SO ORDERED, this 27th day of March, 2006.

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3 Honorable William W. Schwarzer
4 United States District Judge
5 Northern District of California
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ATTESTATION OF E-FILED SIGNATURE

I, Evette D. Pennypacker, attest that signatory Jeffrey A. Pine has read and approved the
**STIPULATION AND [PROPOSED] ORDER REGARDING PRE-TRIAL AND TRIAL
SCHEDULE** and consents to its filing in this action.

/s/ Evette D. Pennypacker
Evette D. Pennypacker